

REMARKS

Interview request pursuant to this RCE and withdrawal of finality

Applicants respectfully request a telephonic interview after the Examiner has reviewed the instant RCE response and amendment. Applicants request the Examiner call Applicants' representative at 858 720 5133.

Telephonic Interview of May 17, 2007

Applicants thank the Examiner for the very helpful telephonic interview of May 17, 2007. In brief summary, the outstanding rejections were discussed, and proposed amendments to the claims were discussed.

Status of the Claims

Pending claims

As noted in the AA, the "after final" claim amendment submitted by Applicants May 18, 2007, was not entered.

Claims 1 to 43, are pending; claims 37 and 39 are withdrawn as being drawn to a non-elected invention; thus, claims 1 to 36, 38, and 40 to 43 are pending and under consideration.

Claims canceled in the instant amendment

Claims 14 to 26, 29 to 31, and 38, are canceled, without prejudice or disclaimer. Accordingly, after entry of the instant amendment, claims 1 to 13, 27, 28, 32 to 37, and 39 to 43, will be pending.

Outstanding rejections

Claims 1 to 36, 38, and 40 to 43, are rejected under 35 U.S.C. §112, first paragraph, enablement requirement. Claim 24 is rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse all outstanding objections and rejections of the claims.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the new and amended claims; see U.S. patent application publication no. 20030056231 (“the ‘231 publication”). For example, support for mouse strains made from transgenic mice of this invention can be found, inter alia, in paragraph [0032] of the ‘231 publication. Accordingly, Applicants submit that no new matter has been introduced and the instant amendment can be properly entered.

Group Restriction Requirement and Election

The Office alleged that the pending claims of the application are directed to two separate and distinct inventions under 35 U.S.C. §121; and in response Applicants elected Group I, drawn to a transgenic mouse. Group II is drawn to methods for screening therapeutic agents for the prevention or treatment of neurological disease comprising administration of therapeutic interventions to a transgenic mouse of this invention.

After the elected product claims have been found to be allowable, all withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims should be rejoined. Applicants note that Group II encompasses withdrawn process (methods) claims which depend from or otherwise include all of the limitations of the allowed product claims.

Claim Objections in the AA

Various objections to the claims were made in the AA for reasons set forth in paragraphs 2 and 3, page 2, of the AA. The instant amendment endeavors to address all the issues raised in the AA; and Applicants invite the Examiner to call their representative (see below) to discuss any remaining concerns or issues.

Claim Objections under 35 U.S.C. §1.75(c)

Claim 23 was objected to for reasons set forth in the paragraph spanning pages 2 to 3, of the OA. The instant amendment addresses this issue; claim 23 is canceled, without prejudice or disclaimer.

Rejection Under 35 U.S.C. § 112, First Paragraph, enablement

Claims 1 to 36, 38, and 40 to 43 are rejected under 35 U.S.C. §112, first paragraph, enablement requirement, because the specification allegedly does not enable any person skilled in the art to which the invention pertains or with which it is most nearly connected to make the invention commensurate in scope with the instant claims, as set forth in detail in pages 3 to 4, of the OA.

Applicants expressly incorporate by reference their response as set forth in their “after final” submission of May 18, 2007.

If the Office has any remaining concerns after entry of the instant claim amendment, please call Applicants’ representative at the number listed below.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claim 24 is rejected under 35 U.S.C. §112, second paragraph. The instant amendment addresses this issue; claim 24 is canceled, without prejudice or disclaimer.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully aver that the Examiner can properly withdraw the rejection of the pending claims under 35 U.S.C. §112, first and second paragraphs. In view of the above, claims in this application after entry of the instant amendment are believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and to pass this application to issue.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. **220002065100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

As noted above, Applicants have requested a telephone conference with the undersigned representative to expedite prosecution of this application. After the Examiner has reviewed the instant response and amendment, please telephone the undersigned at 858 720 5133.

Dated: June 28, 2007

Respectfully submitted,

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